

Claims 1-35 are pending in this application.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric Jensen on March 4, 2008.

The application has been amended as follows:

#### **In the specification:**

In page 1, under the title insert --FIELD OF THE INVENTION--.

In page 1, after line 6, insert-- BACKGROUND OF THE INVENTION--.

In page 2, after line 9, insert --SUMMARY OF THE INVENTION--.

In page 2, after line 14, insert --DETAILED DESCRIPTION OF THE INVENTION--.

#### **In the claims:**

In claim 4, in the first and second lines under the claimed formula (I), delete, "preferably from 1 to 100," and also delete " , preferably from 0 to 100".

In claim 5, in line 4, delete " , preferably a polyquaternium 22".

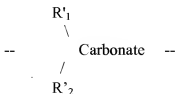
In claim 6, in line 2 under the claimed formula (II), delete " , preferably from 6 to 20".

In claim 7, in line 2, replace the term "amongst" by -- from the group consisting of--.

In claim 7, in line 5, replace "et" by --and--.

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In claim 9, delete formula (III) and insert the following formula:



In claim 9, delete " , preferably from 6 to 20".

In claim 10, in line 2, replace the term "amongst" by -- from the group consisting of--.

In claim 10, in line 5, replace "et" by --and--.

In claim 14, line 3, replace the term "amongst" by -- from the group consisting of--.

In claim 16, in line 3, delete " , preferably from 8.5 to 10.5".

In claim 17, in lines 3-4, delete " , more preferably from 1 to 5%".

In claim 18, in line 4, delete " , more preferably from 0.5 to 1%".

In claim 19, in line 4, delete " , more preferably from 0.5 to 2%".

In claim 20, in line 3, delete " , preferably from 0.1 to 1%".

In claim 21, in line 3, delete " , preferably from 3 to 4.5%".

In claim 22, in line 3, delete " , preferably from 1 to 4%".

In claim 23, in lines 3-4, delete " , preferably from 1 to 2.5%".

In claim 24, in line 4, delete " , preferably a sericin hydrolyzate".

In claim 24, in last line, delete " , preferably from 8.5 to 10.5".

In claim 25, in line 4, delete " , preferably a sericin hydrolyzate".

In claim 25, in last line, delete " , preferably from 8.5 to 10.5".

In claim 26, in line 3, replace the term "amongst" by -- from the group consisting of--.

In claim 26, in line 6, before, the word "sequestering" replace " , " by --and--.

In claim 27, in lines 2-3, delete “ , preferably from 5 to 15%”.

In claim 28, in lines 2-3, delete “ , preferably from 5 to 20%”.

In claim 29, in line 3, delete “ , preferably in the form of a cream”.

In claim 30, in line 3, delete “ , preferably a sericin hydrolyzate ”.

In claim 31, in line 4, delete “ , preferably a sericin hydrolyzate ”.

In claim 32, in line 4, delete "such".

In claim 32, in line 5, delete “ , preferably hydrogen peroxide”.

In claim 33, in line 3, delete “ , preferably from 6 to 9%”.

In claim 35, in line 2, delete “ , preferably hair”.

In claim 35, in line 5, delete “ , preferably from 10 to 45”.

In claim 35, in line 6, delete "minutes, more preferably in the order of 30 minutes".

2      Claims 1-35 are allowed.

#### STATEMENT OF REASONS FOR ALLOWANCE

3      The following is an examiner's statement of reasons for allowance:

The closet prior art of record (US 2002/0194684 A1) teaches a hair dyeing composition comprising protein hydrolyzates (see page 11, paragraph, 0215) and quaternized copolymer of di-methylallyl ammonium and acrylic acid (polyquaternium 22) (see page 12, paragraph, 0232). However, the closest prior art of record (US' 684 A1) does not teach or disclose the combination of the claimed di-alkyl ester and di-alkyl carbonate as claimed. Further, applicants provide a comparative data to demonstrate that the claimed composition with quaternary associative complex (protein hydrolyzate, quaternized copolymer of di-methylallyl ammonium/acrylic acid, di-alkyl ester and di-alkyl carbonate) provides unexpected results of improving the dye strength

to washing ( $\Delta E = 5.61$  and  $5.52$ ) over the prior art compositions that do not comprise quaternary associative complex, with binary association A (protein hydrolyzate and polyquaternium copolymer) or with binary association B (di-alkyl carbonate and polyquaternium copolymer) show ( $12.81$ ,  $8.17$ ,  $8.01$ ,  $10.69$ ,  $7.4$  and  $10.4$ ) (see specification, at pages 9-20, Examples 1-4). Accordingly, the claimed subject matter as a whole would not have been obvious to one having ordinary skill in the art of keratinous fibers dyeing formulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eisa B Elhilo/

Primary Examiner, Art Unit 1796

March 6, 2008